

REMARKS

By the present amendment, Claims 1, 10, 16, 22 and 25-27 have been amended, Claims 6 and 18 have been canceled, and Claim 29 has been newly added. Claims 1, 2, 4, 5, 7-17 and 19-29 remain pending in the application, with Claims 1, 10, 16 and 22 being independent claims. Claims 1, 2, 4-6, 9-12, 15-18, 21-25 and 28 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Skelly (U.S. Patent No. 6,064,383) in view of Umeda (Japan Patent Application Publication No. 10-198615) and Watanabe (U.S. Patent No. 6,539,240 B1). Claims 7, 8, 13, 14, 19, 20, 26 and 27 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Skelly in view of Umeda, Watanabe and Evans (U.S. Patent Application Publication No. 2004/0002325 A1). The cancellation of Claims 6 and 18 render these rejections moot with respect to these particular claims.

The Examiner concedes that Skelly fails to specifically disclose creating by the user, at least one emoticon formed by utilizing a plurality of typical characters and special characters in combination. The Examiner states that Umeda suggests these recitations in paragraphs 19 and 24, and again asserts that it would have been obvious to modify Skelly with the alleged suggestions of Umeda. The Examiner also concedes that Skelly and Umeda fail to disclose storing within a short message the emoticon selected by a user. The Examiner states that Watanabe suggests these recitations in FIGs. 2-6, col. 1, lines 32-49, col. 2, lines 18-32, col. 6, lines 11-61, and col. 7, line 55 to col. 8, line 61, and asserts that it would have been obvious to modify Skelly with the alleged suggestions of Watanabe.

Independent Claim 1 has been amended to recite, in part, an emoticon input method in a mobile terminal, comprising the steps of: creating, by a user, at least one emoticon within a range of a transmittable SMS (Short Message Service) message, which is formed by utilizing a plurality of typical characters and special characters in combination and represents a hieroglyphic character; storing the at least one formed emoticon in the mobile terminal; entering an emoticon input mode while an SMS message is written; displaying the stored emoticons in the emoticon input mode; selecting a created and stored emoticon; and storing within a short message the

emoticon selected by the user. Independent Claims 10, 16 and 22 have been amended in a similar manner, and dependent Claims 25-27 have been amended to conform to amended Claim 22.

Skelly describes a method and system for selecting an emotional appearance and prosody for a graphical character. Umeda describes a multimedia type electronic mail system and recording medium that records a multimedia type electronic mail program. Watanabe describes a data communication apparatus, data communication method, and a storage medium storing a computer program for data communication. Evans describes a mobile handset with a browser application to be used to recognize a textual presentation.

Skelly is directed to a user interface that enables the user to select a character appearance that corresponds with an emotional intensity. FIG. 1 of Skelly shows a comic panel 10 that includes characters, such as character 18, and speech balloons 12. Each speech balloon holds text for an associated character. The speech balloons 12 include pointing portions 16 that help a viewer to associate the speech balloons with their characters. The comic panel 10 is generated by a comic generation system that enables users on different computers to interactively input text to communicate with each other. When a user enters a chat session, the user selects from amongst a number of different character choices. The system shown in FIG. 1 automatically selects gestures and expressions for a character based on input text.

The purpose of Skelly is to provide a user interface component that is logically partitioned into sub-regions and is displayed on a display device. The user interface component of Skelly is not within a short message sent between users. Rather, the user interface is a character associated with messages created by a particular user, and is separate from the message. The character choices supported by Skelly are not within range of a transmittable SMS in accordance with the present invention, and Skelly does not store the characters within a short message in accordance with the present invention.

Therefore, Skelly fails to teach or reasonably creating, by a user, at least one emoticon within a range of a transmittable SMS message, which is formed by utilizing a plurality of typical characters and special characters in combination and represents a hieroglyphic character, or storing within an SMS message the emoticon selected by the user, as recited in the claims.

The Examiner relies on paragraphs 24 and 29 of Umeda for suggesting creating, by the user, at least one emoticon formed by utilizing a plurality of typical characters and special characters in combination. These areas of Umeda disclose the preparation an electronic mail message where character information and image information are arranged along the time sequence. As described in paragraph 29, Umeda assembles the character information and the image information in one dimensional space. The one dimensional space in Umeda is not within a range of a transmittable SMS in accordance with the present invention.

Furthermore, paragraphs 24 and 29 of Umeda on which the Examiner relies, discloses a electronic mail message comprising character information and a data icon which represents image information relating to multimedia, together with character information and a program icon which represents an control program of image information. These areas of Umeda disclose that the data icon which is incorporated with the icons, such as Mt. Fuji and musical notes, as Umeda describes in FIGs. 2 and 3 and paragraphs 37 and 42. In particular, referring to paragraph 42, Umeda discloses situating a program icon to activate a data icon formed by Mt. Fuji and an image of Mt. Fuji at the end of the text, "today I went to Mt. Fuji". Referring to the abstract and FIG. 3 of Umeda, the objective of text is to express text contents of contents being included in an email, thus, the text only plays a role just as a character itself, instead of constructing the emoticon.

Therefore, Umeda fails to supplement the deficiencies of Skelly because Umeda nowhere suggests creating, by a user, at least one emoticon within a range of a transmittable SMS message, which is formed by utilizing a plurality of typical characters and special characters in combination and represents a hieroglyphic character.

In addition, as to Claims 10 and 16, Umeda fails to disclose a structure providing a list of the stored emoticon groups, providing the emoticons of an emoticon group selected by a user and storing an emoticon selected by the user within an SMS message. Regarding the list of the emoticon, the Examiner relies on paragraphs 148-015 of Evans, but these areas of Evans merely disclose downloading a theme.

The Examiner relies on FIG. 3, col. 1, lines 32-49, col. 2, lines 18-32, and col. 10, lines 25-30 of Watanabe for suggesting storing within a short message the emoticon selected by a user. These areas of Watanabe disclose the use of a pet that is added to an electronic mail message, where the sender can control the activity of the motion of the pet. The pet described by Watanabe is not within a range of a transmittable SMS in accordance with the present invention. Therefore, Watanabe fails to supplement the deficiencies of Skelly because Watanabe nowhere suggests creating, by a user, at least one emoticon within a range of a transmittable SMS message formed by utilizing a plurality of typical characters and special characters in combination.

The Examiner relies on paragraphs 148-150 of Evans for suggesting that emoticons are received from a base station and stored in the mobile terminal, and the emoticons are downloaded into the mobile terminal from the Internet and stored in the mobile terminal. These areas of Evans disclose how user-defined images of which the content is specific to a theme may be downloaded from a remote server the first time a service that uses them is accessed. However, Evans is related to the communication of multimedia documents and does not discuss transmittable SMS messages. Therefore, Evans fails to supplement the deficiencies of Skelly because Evans nowhere suggests creating, by a user, at least one emoticon within a range of a transmittable SMS message formed by utilizing a plurality of typical characters and special characters in combination.

More particularly, Skelly, Umeda, Watanabe, Evans, or any combination thereof, fails to teach or reasonably suggest an emoticon input method in a mobile terminal, comprising the steps

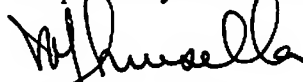
of: creating, by a user, at least one emoticon within a range of a transmittable SMS message, which is formed by utilizing a plurality of typical characters and special characters in combination and represents a hieroglyphic character; storing the at least one formed emoticon in the mobile terminal; entering an emoticon input mode while an SMS message is written; displaying the stored emoticons in the emoticon input mode; selecting a created and stored emoticon; and storing within a short message the emoticon selected by the user, as recited in amended Claim 1. Skelly, Umeda, Watanabe, Evans, or any combination thereof, also fails to teach or reasonably suggest similar recitations in amended independent Claims 10, 16 and 22.

Accordingly, amended independent Claims 1, 10, 16 and 22 are allowable over Skelly, Umeda, Watanabe, Evans, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2, 4, 5, 8, 9, 11, 12, 14, 15, 17, 20, 21, 23-25 and 27-29 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4, 5, 7-17 and 19-29, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Michael J. Musella
Reg. No. 39,310
Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/MJM/TCS/dr